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◆ DECEMBER 21, 2013 ◆

CELEBRATING THE WONDERS OF CHRISTMAS

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*May You Have
the Merriest Christmas
and a Safe and Blessed
New Year!!!*

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Merry Christmas & Happy New Year to All!

Ghristmas is indeed a joyous occasion but some of us this year will be celebrating the birth of Christ with heavy hearts—particularly those who have been affected by the recent tragedies in the Philippines. Ever attentive to the needs of our less fortunate *kababayans*, a group of volunteer Filipino doctors and medical professionals from Hawaii have traveled to the midst of the devastation in the Visayas where they are helping to mend the physical and emotional wounds that victims have suffered. Let's continue to pray for those affected by the tragedies—that they may find comfort and hope during this very difficult time.

The tragedies in the Philippines are reminders of how precious life is and the importance of living each day to its fullest. Sometimes we get so caught up in the “busy-ness” of life that we forget what a gift life is, and how it's up to each of us to live everyday as if it were our last—because one of these days, it will be.

Having said that, we at the Chronicle are very grateful for the many blessings we have received. And with the faithful support of our friends and generous advertisers, we have been able to continue our mission of providing Hawaii's Filipino community with the very best reporting and news.

In closing, we would like to wish all of you the Merriest of Christmases and the Happiest of New Years! May you be gifted this festive season with wonderful moments that fill your heart with smiles and cheer. And may 2014 be decorated with sweet memories, wonderful days and memorable nights. Have a great year ahead!

EDITORIALS

Following the Christmas Star

One of the most beloved symbols of Christmas is the ubiquitous Star of Bethlehem. In the Philippines, the star is called the *parol*, or colorful star lantern, which can be seen everywhere during Christmas, including in homes, churches, businesses and along busy streets.

While scholars and scientists have debated the source of the star, most Christians simply believe that God put a star in the heavens to announce the dawn of the first Christmas. The Bible says this special star guided the shepherds and wise men, or magi—a name given to the stargazers and wise men of ancient Babylonia and Persia.

These magi first saw the star in their own land, and realizing it was no ordinary star, followed it west to Jerusalem to see the newborn king. In the Gospel of Matthew, it's interesting to note that the star actually moved and stopped. It went ahead of the wise men, supernaturally guiding them as

they traveled hundreds of miles. Bear in mind that traveling was extremely difficult during those times. There were rivers to navigate, uncharted deserts to penetrate, mountains to cross, and bands of robbers and cutthroats to face. They traveled for months, following the star to Jerusalem and then to the little town of Bethlehem where shone it brightly over the place where the baby Jesus was born.

Just as the magi closely followed the Star of Bethlehem over vast distances, in this journey of life, let Jesus be your guiding star, especially for the coming new year which will bring its share of challenges that will cause anxiety and worry. Let's remember to trust that God can give us bearings for today and tomorrow, as He did with the wise men.

Many of us have heard the oft-quoted advice of well-known American poet Ralph Waldo Emerson to “Hitch your wagon to a star.” If you do, just make sure it's hitched to the Star of Bethlehem.

Haiyan—A Symbol of the Perils of Global Warming

The consensus among the scientific community is that global warming will increasingly lead to more frequent and more severe weather, including mega storms around the globe.

Scientists are now gathering data to find out if Super Typhoon Haiyan, the strongest storm ever to hit land with wind speeds exceeding 310 kilometers per hour, actually was a manifestation of global warming.

Following the storm and its initial impact on human suffering, perhaps the responsible action the media ought to bring light to is whether or not storms like Haiyan are a direct result of climate change triggered by increased greenhouse gases produced by human activities such as burning of fossil fuels and deforestation.

If there is any possible link between irresponsible human activity on the environment to the devastation that occurred in the Philippines, there is no better time than now to discuss the issue. At a United Nations Framework Convention on Climate Change in Warsaw where delegates from over 190 countries gathered for two weeks to discuss climate change, Philippine student leader Ditto Sarmiento was quoted as say-

ing “If not us, then who? If not now, then when? If not here in Warsaw, where?”

Christiana Figueres, who was helping to oversee talks in Warsaw, said the typhoon was part of a “sobering reality” of global warming. She believes Haiyan will become a symbol of climate change for years to come, just as Hurricane Katrina.

Massachusetts Institute of Technology climatologist Kerry Emanuel predicted that the frequency and intensity of tropical cyclones would increase due to greenhouse gas emissions in the 21st century, and that the increases will most likely be pronounced in the western North Pacific, which is where Haiyan struck.

Jim Kossin, an atmospheric scientist with the U.S. National Oceanic and Atmospheric Administration's Climatic Data Center, said storms like Haiyan thrive on warm water that goes deep into the ocean. Haiyan dipped down near the equator, where it likely picked up more steam, before heading to the Philippines, similar to what happened in Hurricane Katrina, which picked up steam as it passed over warm waters in the Gulf of Mexico in August 2005. Among other factors, warmer

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CITY HIGHLIGHTS

Merry Christmas From Honolulu Hale



By Councilmember Ron Menor

Christmas is by far my favorite time of the year. Here at Honolulu Hale, the City's elves have done a marvelous job decking the halls with tinsel, mistletoe, lights and other colorful decorations. I also joined the mayor for the annual Christmas Tree Topping Ceremony on December 6th on the front lawn of Honolulu Hale. Please visit City Hall if you haven't had a chance yet to see the many beautifully-decorated trees and other displays!

On a more serious note, let's continue to pray for the typhoon and earthquake victims in the Philippines. It

warms my heart to see how quickly we have reached out to our *kababayans*. My personal thanks to all of you who generously contributed to the various relief efforts! We as a community are truly vibrant because of people like you who generously give of your time and resources.

At last month's Council meeting, I presented an honorary certificate to a group of World War II Filipino-American veterans for their military service. Our country owes a debt of gratitude to these veterans who not only helped to win the war, but also shortened its duration, limited the financial cost and spared the lives of many Americans who would have died or suffered injuries had it not been for their involvement. We today live as free citizens, thanks to these and other veterans from previous conflicts. On a personal note, my late father, State Supreme



Councilmembers Ron Menor and Kymberly Pine join Mayor Kirk Caldwell in honoring Emme Tomimbang at a special gala and fundraiser held at the FilCom Center on November 9th

Court Justice Benjamin Menor, was a member of the U.S. Army's 1st Filipino Infantry during World War II.

Also last month, I attended a special fundraiser at the Filipino Community Center which honored veteran newscaster Emme Tomimbang. She has worked tirelessly on many projects throughout the years that have led to the betterment of our community. By the way, I

have known Emme for many years and consider as my personal friend. Her husband Judge Jim Burns was a member of the Judiciary along with my father. And Judge Burns' late father Governor John Burns—one of the most significant figures in Hawaii's history—was a mentor and friend of my father and appointed him to serve as an Associate Justice of the Hawaii Supreme Court.

Looking back at this past year, I'm amazed at how quickly time has passed. It seems that it was just yesterday that I was sworn in as a councilmember. From Day 1, I've worked hard to address the many issues facing our community—repaving City streets, restoring cuts in bus service, addressing homelessness, increasing the numbers of affordable for-sale and rental units on Oahu, and auditing the Board of Water Supply to ensure that it is being run efficiently—to name just a few. And along the way, I've been able to better acquaint myself with many of you.

In closing, thank you for the opportunity to serve as your councilmember. I can be reached at 768-5009 or via email at: rmenor@honolulu.gov if you need assistance. From my family to yours...have a very Merry Christmas and Happy New Year!

EDITORIALS (from page 2, HAIYAN...)

waters increase the intensity of storms, along with wind speed and direction.

Global Warming

Many climate researchers think that tropical storm activity will increase as the planet warms. Due to global warming, the earth's atmosphere and oceans since the late 19th century has been rising. The earth's mean surface temperature has increased by about 0.8 degrees C (1.4 degree F). The frightening fact is that two-thirds of the increase in temperature occurred since 1980.

The consensus is that global warming is caused by human activities such as the burning of fossil fuels and destruction of forests. The Intergovernmental Panel on Climate Change believes mitigating climate change can be reduced by lowering greenhouse gas emissions through energy conservation and efficiency. Countries must look into renewable

energy to meet their power demands and begin massive reforestation programs.

The alternative of inaction would result in continued global warming and more severe weather causing devastation around the globe. Poorer countries are even more vulnerable since they have less resources to prepare for severe weather and to deal with the aftermath. Countries such as the Philippines, due to its geographical positioning where typhoons are naturally frequent even without the effects of global warming, could be at greater risk.

Haiyan is the third storm to hit the Philippines in less than 12 months. Earlier, Typhoon Trami caused massive flooding in Luzon; Typhoon Bopha killed up to 2,000 people and caused US\$1.7 billion in damage in Mindanao. Haiyan's estimated damage by Bloomberg Industries is expected to reach US\$14billion.

Symbol of Global Warming

Figueres was right to claim Haiyan as a symbol of global warming in Warsaw. By doing so, the fight to stop global warming becomes politicized with human suffering. The tendency for most people is to view natural disasters as a no-fault situation, an act of nature that cannot be prevented. But as scientists become more certain that global warming is linked to severe weather, we must all be more aware of our partial accountability when such disasters strike and of the importance of mitigating climate change.

Stopping global warming will take international cooperation. Its failure as a political movement to this day sadly is related to governments' unwillingness and inability to innovate renewable energy to power our cities and communities. It's time that this issue be given greater priority and attention.

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COVER STORY

Christmas for Filipinos—A Season Like No Other

By HFC Staff



he best of all gifts around any Christmas tree: the presence of a happy family all wrapped up in each other.” — William E. Vaughan, American columnist and author

For many Filipino families, Christmas is a magical time of not only celebrating the birth of Christ, but to also enjoy the company of immediate and extended family members.

Christmas is the most important holiday in the Philippines. Rooted in the Roman Catholic heritage of the Spanish colonial era, Christmas was introduced to the Philippines a short time after 1565, when the Spaniards formally established their presence in the islands.

The Philippines holds the distinction of celebrating Christmas longer than any country in the world. The festivities last for nearly a month, beginning early on the morning of December 16 with the first of nine consecutive early morning Catholic masses called the “Misa de Gallo” (or Simbang Gabi in Tagalog) and ending in early January with the Feast of the Three Kings.

Christmas Memories

For Filipinos born and raised in the Philippines, Christmas is a time for family and friends to spend quality time together. The typical Filipino family works hard throughout the year to make ends meet and are at times apart from each other due to work, school and other obligations, so important holidays like Christmas are a time for family members to reconnect with each other.

Parents also stress to their children early on about the importance of gathering with family or returning home for Christmas.

“I was taught by my dad that Christmas is a time to honor God and to thank Him for coming into this world to save us,” says Rhea Ruiz of Salt Lake. “To properly celebrate Christmas and to honor God, the entire family needs to be together. That’s why every-

one in our family always made it a point to come home for Christmas and to celebrate Christ’s birth.”

Christmas Eve in the Philippines is highly-anticipated event. Many families stay awake the entire evening and continue celebrating well into Christmas Day.

As a child, Ruiz remembers everyone in her family would stay up until midnight on Christmas Eve. Her parents’ home in Cebu would be opened to everyone and filled with the sounds of laughter, music and the delicious aroma of foods like lechon, puto, bibingka and tsokolate (hot chocolate). As she grew older, she learned how to cook and would help prepare Filipino-style fruit salad and even pizza from scratch.

Relatives and friends would be dancing, while neighbors would drop by to wish everyone a Merry Christmas. The streets would be well lit and full of activities. Children would run in and out of the house to play and eat.

“At midnight, we would stop dancing and gather to pray,” she says. “Then we would have a family meal and more dancing afterwards. Sometimes there would be fireworks.”

The festivities at the Ruiz household would continue until the wee morning hours. Family members who were still awake would make their way to the seashore and wait for the sunrise to welcome Christmas Day.

For Waipio resident Ruffalyne Villanueva, her family has always observed the nine days of early morning mass before Christmas. And on Christmas



Eve, her family would attend midnight mass at St. Joseph’s Church in Waipahu.

“Afterwards, we would gather as a family to partake in my mom’s specially-prepared Noche Buena feast,” she recalls. But rather than stay up all night, her family would exchange Christmas gifts and then head to bed. A few hours later, everyone would awaken to attend an early morning Christmas Day mass. After offering their thanks to God, there would be more eating and family festivities.

Villanueva says it’s important for families to celebrate an important holiday Christmas together under one roof. She says families are linked together forever—for better or for worse.

“Many times we forget how important family is,” she says. “We take for granted all the wonderful things that having a family brings to our lives. Christmas should be a time for everyone to focus on the importance of family and being together.”

For Vilma Fuentes of Ewa Beach, Christmas also means being with her family, having parties, going to mass and exchanging gifts. While she can do those things here in Hawaii, she still prefers celebrating

Christmas back home in Cebu where she is originally from.

“It’s more fun in the Philippines,” she says. “There’s no place I’d rather be to celebrate Christmas. For me, Christmas will always be a celebration of the birth of a divine baby born in the manger—Jesus Christ.”

Fuentes returned home last summer for a visit and is thankful that her family was unaffected by the recent typhoon and earthquakes.

Dr. Richard Kua of Aiea also prefers celebrating Christmas in the Philippines, specifically Baguio City, where his family is from. One of his earliest memories of Christmas at the age of 7 was his parents’ fireplace and Christmas tree.

The Kua family’s Christmas traditions involved attending an evening mass and having a big family meal together during Christmas Eve.

“We celebrated the Chinese version of *Noche Buena*,” he says. “It’s the same except we ate Chinese food like noodles, dumplings and chicken and fish dishes.”

Kua also stresses the importance of celebrating the holiday with family, especially since Christmas involves the Holy Family. As Kua grew up,

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COVER STORY

(from page 4, CHRISTMAS ...)

his older brothers and sisters went to Manila to study, so Christmas was a time for family members to get together.

Not surprisingly, Kua also prefers celebrating Christmas in the Philippines.

“There’s a closeness with your family and even neighbors in the Philippines that you can feel,” he says. “Here in America, it’s a different feeling.”

Keeping ‘Christ’ in Christmas

During the holidays, it’s easy to get caught up in the hustle and bustle of the season, including shopping, going to parties, decorating the tree and other activities. While these are good, it’s not the reason why we celebrate Christmas in the first place.

Felino Tubera of Honolulu has noticed the extreme overabundance of commercialism during Christmas. He says there are other ways besides gift giving to express your goodwill during Christmas, such as caroling and other forms of social interaction.

According to Tubera, there are many families suffering



Photo courtesy of FilCom Center

from broken relationships that no amount of gift giving can ever mend.

“The way I look at it, forgiveness is the best gift you can give to someone and to yourself,” he says. “Christmas is about mending broken relationships. Now would be a good time to forgive others, especially those you have been holding a grudge against.”

Interestingly enough, in his book, “*Forgive and Forget*,” author Lewis B. Smedes writes: “When you release the wrongdoer from the wrong, you cut a malignant tumor out of your inner life. You set a prisoner free, but you discover that the real prisoner was yourself.”

More and more people are

also eschewing gift giving—not because they are scrooges, but instead to refocus on the “Reason For the Season.” Those who took the leap reportedly felt lighter and unburdened, compared to those shoppers who find themselves stuck in long lines in the aisles, waiting to pay for gifts that may lose their meaning shortly after they are unwrapped.

Tubera and his wife have decided against buying toys for their 16-month-old granddaughter Maxine Grace, opting instead to give her cash.

“A few days after Christmas, the toys will be thrown away or lose their meaning,”

he says. “We’ve given

cash to our granddaughter’s parents, hinting to them to save it for her future. At her age, she doesn’t appreciate the value of money.”

A simple way of remembering Christ during Christmas is to put up a nativity scene, or *belen*, at your home. Just make sure that it’s placed in a focal point like in the living room or near the entrance. The *belen* is a traditional Filipino Christmas symbol depicting the infant Jesus in a manger surrounded by Mary, Joseph, the shepherds and their flock, the wise men, stable animals and angels.

Saint Francis of Assisi is credited by historians for creating the first nativity scene in

the year 1223. He reportedly gathered local people in Italy to portray the biblical characters and used a figure made of wax to represent the infant Jesus. The portrayal quickly caught on, and live as well as sculpted nativity scenes quickly spread all over Europe. The event is depicted in stained glass windows in churches and cathedrals throughout the Philippines.

Ruiz says that the best way to keep Christ in your Christmas celebration is to have Him present in your daily life—not just during the Holiday Season, but all year round. For Ruiz, this means daily revealing the character, love and spirit of Christ that dwells in you and allowing these traits to shine through your actions to everyone you meet.

“For Christmas to be truly meaningful, Jesus has to be the focus,” Ruiz says. “Our children should know what the celebration is all about. They won’t learn it at school or from all the advertisements. They will only know if we teach them about it.”

What is Your Christmas Wish and to Whom Would You Like to Wish a Merry Christmas?

“I’d like to wish everybody the joys of Christmas and the hope and promise that the New Year brings! As we celebrate this holy season, let us keep in our prayers those who have less in life, those who are sick, the homeless, the hungry, and those who are marginalized.”

— Jun Colmenares, Honolulu

“I wish my heart will find peace, love and happiness.... Families will always be there to support, guide, understand and love each other....Kids would always be in good health and obedient... and peace for everyone so we can live safely.”

— Vilma Fuentes, Ewa Beach

“If I have a wish this Christmas, it would be to share and feel loved all the time. To whom I would like to wish a Merry Christmas is to my Mother, personally with a tight hug and kiss, which has not happened for many years now.”

— Lynette Iglesias, New York

“My wish for this Christmas is to be with my family and wishing all my friends and relatives a Merry, Merry, Merry Christmas.”

— Fe Revilla, Ewa beach

“I just want my loved ones to be happy and healthy. I always pray to God to heal my cousin Seig’s sickness so he can be a normal kid like me.”

— Lawrence Pagulayan, age 6, Waipahu

“It is my glorious hope and wish that the message of love and spirituality of Christmas triumphs and reigns over the psyche and soul of humanity...for everyone at any age, everywhere.”

— Felino Tubera, Honolulu

“My wish is for the safe return of all service men and women who are protecting our freedom. Merry Christmas to all our family and friends and a Happy New Year, 2014!”

— Christy Yamada, Mililani

CELEBRATE THE NEW YEAR SAFELY

Hawaiian Electric Company urges the public to use caution if celebrating New Year’s Eve with fireworks.

- Carefully set up and use fireworks in an area clear of overhead power lines.
- Do not string fireworks on utility poles.
- Keep a 10-foot clearance from power lines when stringing fireworks.
- Don’t try to free objects tangled in power lines. Call Hawaiian Electric’s trouble line toll free at 1-855-304-1212.

Hawaiian Electric

HAWAII-FILIPINO NEWS

Abercrombie Announces \$1.1 Billion Fiscal Turn-Around Since 2011

Gov. Neil Abercrombie recently announced that the State ended Fiscal Year 2013 with a positive fund balance of \$844 million. The positive balance marks a \$1.1 billion turn-around since the governor took office.

Abercrombie and State Finance Director Kalbert Young made the announcement at a Chamber of Commerce of Hawaii luncheon where attendees were briefed on the state's fiscal situation and economic outlook.

In 2011, the state faced a \$220 million shortfall, leaving it with crippled government

programs, furloughs and poor reserve levels and balances. Through difficult but necessary financial control measures implemented by the Abercrombie administration in FY 2011, 2012 and 2013, the state gradually increased its ending balances. By carefully managing the state's financial resources, affordable and sustainable contracts were negotiated with the majority of public workers. The state was also able to recapitalize reserves for the Rainy Day and Hurricane Relief funds in the amount of \$211 million, and critical government services like agricultural inspections were restored.

"We've worked diligently



Gov. Neil Abercrombie

to stabilize and grow our economy and fiscal situation during my first three years of office," Abercrombie says. "We are now in a better situation to address key social and community issues like early education, environmental protection, homelessness and support for our seniors. Only with a strong economy and sound

financial management can we adequately address these important issues."

Furthermore, \$1.2 billion was expended in FY 2013 for priority capital improvement projects that invest in state infrastructure and facilities while strengthening the local economy and generating job opportunities. As of October 2013, Hawaii's unemployment rate was 4.4 percent, compared to the national jobless rate of 7.3 percent.

Recently, institutional and retail investors responded favorably to the state's 2013 general obligation bond sale. On November 21, 2013, the state successfully completed the sale of \$860 million of tax-

exempt and taxable general obligation bonds.

"This year's successful bond sale is the latest reflection of investor confidence in the State of Hawaii," says finance director Young. "The better things get, the shorter memories sometimes become. Just three years ago, our state had a less-than-favorable rating and faced a dire financial situation. We have accomplished much in a short period of time. The difficult decisions we made are now paying off.

"We will continue to responsibly manage the state's fiscal affairs in order to grow our economy and provide quality government services to the people of Hawaii."

City Mails 2014 Real Property Assessments

City officials will send approximately 293,000 real property assessments for 2014 to property owners this week. The total assessed valuation of all taxable real property on Oahu has increased from \$184.3 billion to \$200.6 billion, an overall increase of 8.8 percent.

New developments, including residential subdivisions, condominiums, commercial and industrial projects, and construction of new buildings and improvements to existing parcels, and increases in the values of properties were

contributing factors for the overall increase. The 2014 assessed valuations were set as of October 1, 2013, and based on sales of similar properties through June 30, 2013.

Residential property gross valuations increased from \$148.1 billion to \$162.7 billion, or by 9.9 percent. Hotel and resort property values increased 6.4 percent, commercial property values increased 5.9 percent, and industrial property values increased 2.4 percent. These percentage changes represent broad totals while the change in the as-

essed value of a particular property could be more or less than the island-wide figures.

"This year's real property assessments are a reminder that Oahu's economy is improving and real estate values are up," says Mayor Kirk Caldwell. "The increase in Oahu property values will help us narrow the budget shortfall but we will not know exactly how much additional revenue the City will receive until appeals are concluded on February 1st. Even in the best case scenario,

we will still need to find cuts and revenue enhancements to minimize the budget shortfall's impact on taxpayers while improving core city services."

The notice includes property assessment information including any exemption which the owner has been granted in accordance with City ordinance. The standard homeowner's exemption for an owner-occupied property is \$80,000 and increases to \$120,000 when the homeowner reaches age 65 or older.

Property owners who have not received their 2014 Assessment Notice by December 31, 2013 or who wish to dispute their real property assessment are advised to contact the Real Property Assessment Division by calling 768-3799 or 768-3169 or via email at: bfsrpmil-box@honolulu.gov.

The deadline to file appeals is January 15, 2014. For more information, visit the Real Property Assessment Division's website at <http://www.realproperty-honolulu.com/> and click on the "Assessment Appeals" link.

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Leeward Job Fair Set for January 2014

If you're looking for a job and live on the Leeward coast of Oahu, mark your calendar for the 2nd Annual Leeward Job & Career Fair which is scheduled for Wednesday, January 8, 2014 at the University of Hawaii-West Oahu campus from 10 am to 3 pm.

The event is open to the public and admission is free for job seekers. Queen's Medical Center, Central Pacific Bank, JW Marriott Ihilani Resort and Spa and Jamba Juice are just some of the Leeward businesses participating.

The fair will also offer free career development seminars

with guest speaker who will speak on:

- How to Prepare for an Interview
- How to Write a Resume
- Dress for Success Tips
- How to Start a Business
- Time Management Techniques

City Councilmember Kymberly Marcos Pine launched the "Hire Leeward" initiative at last year's job and career fair. "Hire Leeward" is a five-year campaign that seeks to encourage Leeward residents to seek Leeward jobs; reduce traffic congestion to town; encourage better co-



Coun. Kymberly Marcos Pine

ordination with Leeward job employers and job seekers; encourage Leeward residents to buy from Leeward companies; hold job training events; and improve the quality of life for Leeward residents.

For more information, please visit www.facebook.com/hireleeward or call Councilmember Pine at 768-5001.

IMMIGRATION GUIDE



By Atty. Emmanuel Samonte Tipon

Ilocano Wins Case Against Ineffective Counsel

Ramiro, an Ilocano from Bacarra, Ilocos Norte, was with his “barkada” (Filipino slang for “group of friends”) when one of them shouted that somebody wanted to buy drugs. Ramiro did not want to become involved and threw away a plastic packet. Another picked it up and gave it to the one who shouted. The latter then gave it to the buyer who turned out to be an undercover agent.

Ramiro and his barkada were charged with drug distribution before a federal court. Ramiro pleaded not guilty. Since he appeared without a lawyer, the judge appointed a lawyer for Ramiro. The court-appointed lawyer told Ramiro that if he fought and lost he would get 20-40 years but if he pleaded guilty counsel would negotiate a term of 12 to 18 months. Ramiro, terror-stricken, agreed to change his plea to “guilty.” Ramiro asked the lawyer about the possibility of deportation. The lawyer told Ramiro that he “may” be deported. He did not tell Ramiro that drug distribution is an “aggravated felony” and that an alien convicted of an aggravated felony is subject to mandatory deportation and therefore he “will” be deported. At sentencing the lawyer was negotiating with the judge to

sentence Ramiro to less than one year so it will look better when he appears before the immigration judge. It was obvious that the lawyer did not know that a conviction for drug distribution will result in mandatory deportation regardless of the length of the sentence. The judge suggested a recess so that the lawyer could consult with someone. The lawyer refused the suggestion. The judge sentenced Ramiro to 12 months and one day. The lawyer also told Ramiro that after he serves his sentence, he will be released. The lawyer did not tell Ramiro that he will continue to be detained pending his removal proceedings.

Discarding Not Distributing Drugs

While in jail, Ramiro learned through the prison grapevine that drug distribution is an aggravated felony and that he will be deported. Ramiro contacted us. We filed a 28 U.S.C. § 2255 petition to vacate a sentence of a person in federal custody. We alleged that his counsel was ineffective by misadvising Ramiro before changing his plea to guilty that (1) he “may” be deported when the correct advice should have been that he “will” be deported, and (2) he would be released after serving his sentence when the correct advice should have

been that after serving his sentence he will continue to be detained pending removal proceedings. We alleged that if Ramiro had been told the truth that he “will” be deported if he pleaded guilty and that the maximum sentence he could get was 24 months if he went to trial and lost, he would have gone to trial and might have won because a reasonable juror could conclude that he was “discarding” not “distributing” drugs. We contended that Ramiro was prejudiced because he gave up his right to a jury trial and was convicted and served a prison sentence, and faced continued detention pending removal proceedings. We argued that but for the deficient performance of his attorney, the result of the case would have been different. The judge summarily dismissed our § 2255 petition, saying that the criminal defense counsel’s performance was not ineffective and that Ramiro did not show prejudice.

We appealed to the U.S. Court of Appeals which held: The district court erred by summarily dismissing Ramiro’s motion under 28 U.S.C. § 2255. Ramiro is entitled to relief if his counsel “effectively misled” him about the immigration consequences of his guilty plea and he was prejudiced by that misleading advice. Prejudice re-

quires establishing that, but for counsel’s errors, there is a reasonable probability “he would not have pleaded guilty and would have insisted on going to trial.” “Because Ramiro has adequately alleged that his counsel’s performance was both objectively unreasonable and prejudicial, his § 2255 motion should not have been summarily dismissed.” The court vacated the district court judge’s dismissal and remanded the case for further proceedings.

While this case was pending DHS filed removal proceedings against Ramiro and he was ordered removed. The court refused to hold in abeyance his removal pending the outcome of this case. DHS deported Ramiro without notifying his counsel. We will ask the court to order the DHS to bring Ramiro back so that he can continue to fight his case.

(ATTY. TIPON has a Master of Laws degree from Yale Law School and a Bachelor of Laws degree from the University of the Philippines. Office: 800 Bethel St., Suite 402, Honolulu, HI 96813. Tel. (808) 225-2645. E-Mail: filamlaw@yahoo.com. Websites: www.MilitaryandCriminalLaw.com, and www.ImmigrationServiceUSA.com. Listen to the most witty, interesting, and informative radio program in Hawaii on KNDI at 1270, AM dial every Thursday at 7:30 a.m., rebroadcast at www.iluko.com.

Is there any Filipino who has accused his criminal defense attorney of ineffective assistance and won? If you know of any, I would like to meet you, the winning Filipino, and his lawyer and treat all of you to dinner in the best steak house in Honolulu.

Why? (1) Lawyers are reluctant to accuse a colleague of ineffective assistance lest the accused gets back at the accuser, (2) The chances of winning are very slim, and (3) It takes time, money, and considerable effort.

Last Monday (December 9) my son Noel and I won a case in the U.S. Court of Appeals, Ninth Circuit on behalf of a Filipino by charging his criminal defense attorney with ineffective assistance that resulted in the removal of the alien. Case No. 10-72815, U.S. v. Ramiro. We wrote about the oral argument we made in the case in “Arguing successfully in appellate courts” in the November 2013 issue of this publication.

HAWAII-FILIPINO NEWS

Consulate Signs Pact with U.S. Labor Dept to Protect Filipino Workers

The Philippine Consulate General in Honolulu joined officials from consul generals in San Francisco, Los Angeles, and Agana, Guam in signing alliance agreements with the U.S. Dept. of Labor to promote and protect the labor rights of Filipino workers.

Through this new partnership agreement, OSHA and the four Philippine consulates will reach out to Filipino workers in Arizona, California, Nevada, Hawaii, Guam, American Samoa, and the

Commonwealth of the Northern Mariana Islands to explain their rights in the workplace and the responsibilities of their employers under the U.S. Occupational Safety and Health Act of 1970.

“Workers have the right to safe and healthful jobs, and to know and understand their rights in the workplace,” says Ken Nishiyama Atha, OSHA regional administrator. “This is a tremendous opportunity to work with the consulates and community groups. We can reach out to these workers and

provide information that will enhance the quality of the workplace and their work lives.”

In conjunction with OSHA, the Philippine Consulate General in Honolulu will organize a series of lectures on occupational safety and health in various industries such as hotel, caregiving, health, nursing and construction. Last September 2013, the Consulate organized a lecture on commercial fishing safety for Filipino fishermen at the Honolulu Pier.



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PHILIPPINE NEWS

More Pinoys See Better Life in Next 12 Months – Survey

by Helen Flores
Thursday, December 19, 2013

MANILA, Philippines - More Filipinos look forward to a better life in the next 12 months, a recent Social Weather Stations (SWS) survey showed.

SWS said the net personal optimism rose to a “very high” +35 in September, with 40 percent of the respondents saying they expected the quality of their lives to improve in the next 12 months and six percent claiming otherwise.

This was higher than the “high” +28 (35 percent optimistic, seven percent pessimistic) recorded in June.

The survey was conducted from Sept. 20 to 23 or before the Oct. 15 magnitude 7.2 earthquake in Bohol and Cebu and the onslaught of Super Typhoon Yolanda in the Visayas.

The Bohol quake killed more than 200 people while Yolanda left more than 6,000 dead and close to 2,000 missing as of the latest count.

The survey used face-to-



face interviews with 1,200 adults nationwide.

Net personal optimism was “very high” across all so-

cioeconomic classes, the SWS said. It rose to +33 from a “high” +27 among the D class, to +49 among the ABC crowd

and to +36 among members of the E class.

By region, it rose to a “very high” +37 in Luzon, to a “very high” +35 (from +24) in Mindanao and to a “high” +29 (from +16) in the Visayas.

It dropped to +35 in Metro Manila, although the figure was still in the “very high” territory.

Meanwhile, 24 percent of the respondents said their lives improved compared to last year while 36 percent said it worsened.

For net personal optimism, the SWS considers scores of +30 and above as “very high” and +20 to +29 as “high.” The +10 to +19 range, which contains the historical median and mode, is classified as “fair.”

Scores of +1 to +9 are “mediocre,” zero to -9 “low” and -10 and below “very low.”

Filipinos’ outlook on the economy was also “very high” at a net +17, unchanged from June, the SWS said.

For net economic optimism and net gainers, the SWS uses “low” for scores ranging from -20 to -29 and “very low” for -30 and below since the most common answers historically have been highly negative. “Fair” applies to -9 to zero, -10 to -19 is “mediocre,” +1 to +9 “high” and +10 and above “very high.”

The SWS said optimism on the economy stayed “very high” among all classes.

It was up by 16 points to +28 among the ABC, a point higher at +17 among the masa but nine points lower at +13 among the E class.

By region, it was “very high” in all areas except Metro Manila.

Optimism on the economy improved to +16 from a “high” +8 in Mindanao, and up by a point to +23 in balance Luzon. However, it fell two points to +11 in the Visayas.

The SWS poll has sampling error margins of plus or minus two percentage points for national and plus or minus six percentage points for area percentages. (www.philstar.com)

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CANDID PERSPECTIVES



By Emil Guillermo

In Tacloban City, there was to be a candle lighting ceremony for those lost to Yolanda/Haiyan. It was to be held on the 17th, the 40th day since the super typhoon.

When I last checked the death toll was well over 5,000.

Hearts are still heavy, but now, more people are choosing to go to the Philippines to see how they can help.

As I write, Kayak tells me you can go to Cebu from Honolulu for about \$1575-\$2000, depending on the number of stops and whether you want to patronize PAL.

It's coach class, but comfort is relative. At least you'll be dry. Not like it was in Tacloban.

While some were able to connect with the Red Cross or humanitarian groups in the U.S. prior to going, one of my relatives wasn't bothering.

"Too much red tape," Judy, the wife of my late cousin said. "I'm going now. They can't stop me."

My family is from Ilocos, with most still around Laoag. For them, Yolanda/Haiyan was just a bullying rain storm. It wasn't a nightmarish monster of a typhoon.

Judy's side of the family is from that central region where they speak Waray. She has visited a number of times and her mother just came back from a visit in October.

Judy just couldn't wait for paperwork or training. She was ready to go now.

"I feel like it's a calling," she told me.

I didn't try to talk her out of it. She had the time off from work, and had the blessing from the family.

Her relatives in the region were also calling saying they needed food and water.

Most people since the

"Like A Calling"-- An American Filipino Eager to Help Shows Up in Tacloban

storm hit have been telling people to do the smart thing. Stay away. In other words, stay put. Don't go. Contact people, or wait for their call. Send money, not goods. It's just too hard and expensive to get stuff from the U.S. to the region. Easier to send money, and then buy and distribute aid right there in the RP.

So I've given money (my preference Catholic Relief Services based in Baltimore, MD.), and urged people to do the same. But Judy wanted to

go on her own.

"I've got my backpack," she said. "I figure it will be like camping."

On Facebook, she told her family she had landed in Cebu. She was greeted by her mom's relatives and had a car.

Another message came just the other night.

"Electricity is sporadic and no internet is available," as she wrote via Facebook and assured us she was safe.

"I was able to work with the Philippine Red Cross and de-

liver relief efforts. The devastation is totally unbelievable. A cemetery and crypts were moved with its contents. The sight of human remains will be embedded with me forever."

One question that lingers is whether the Philippine government did enough before the storm.

Sure, the government help evacuate more than a million people just prior. But how do you explain a village like Balankayan in Eastern

Samar reporting zero casualties and missing people, while others contributed to the horrifying toll of missing and dead?

It all comes down to communication.

Without any prompting, Judy messaged me: "A lot of people did not understand the news broadcast of 'storm surge'... If it was conveyed differently people would have evacuated to higher ground."

People know "tsunami."

(continued on page 10)

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- Because scammers may fake a caller ID, ask for the caller's name, phone number and company name. That might deter them from talking with you further.
- Beware of callers who say they represent Hawaiian Electric and who direct you to purchase money vouchers called MoneyPak. This is not a legitimate method of making payments on electric bills.
- Ask for proper identification. All of our employees wear company ID badges, and our vehicles are clearly marked.



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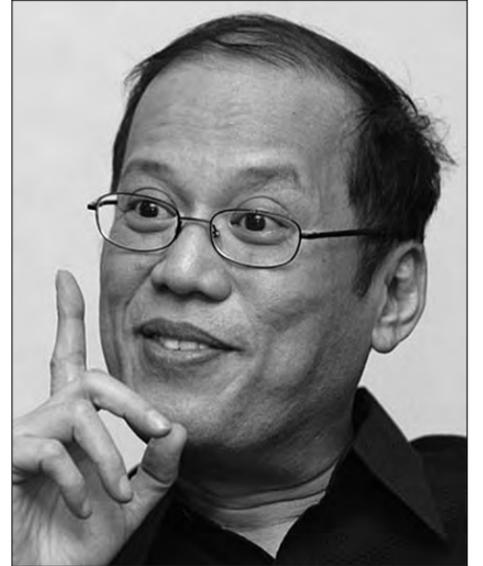
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PHILIPPINE NEWS

**Noy: US Statement vs China
 to Help Reduce Tension Over
 Sea Row**

by Pia Lee-Brago
 Thursday, December 19, 2013



President Noyonoy Aquino

MANILA, Philippines - President Aquino believes US Secretary of State John Kerry's pronouncements and those of officials of other countries on China's air defense identification zone would reduce tension in the disputed areas.

Speaking to reporters after an event in Malacañang yesterday, Aquino said the pronouncements would be helpful.

"I suppose it is good that America said that - very categorical and very clear," he said.

"It's not only America... South Korea also, Japan and other countries. Everybody wants to have stability in the region and stability is necessary for prosperity. And one would like to think that all countries are after the prosperity of their peoples.

"...That shows the countries that have embarked on what seemed to be adding to the tension to perhaps pause and think, and perhaps bring them closer to having something towards reducing the tensions."

Aquino refused to elaborate on US assistance and spoke only in broad terms.

"This will provide technical expertise, training, and again, the equipment... to support our capability building for the Philippine Coast Guard and the PNP (Philippine National Police) in the areas of maritime security, counterterrorism and other law enforcement training," he said.

Press Secretary Herminio Coloma Jr. said Aquino and Kerry had a private meeting on Tuesday night in Malacañang and discussed areas of cooperation in economic development, including expanded trade and investment and US assistance in hastening the reconstruction effort in calamity areas.

"They affirmed the two countries' partnership in promoting stability, the

rule of law and preserving freedom of navigation in the (West Philippine Sea)," he said.

"Also clarified were parameters of the framework agreement on rotational presence that will be fleshed out in continuing bilateral talks. All of these were discussed within the context of common history and shared values."

In his speech during the dinner for Kerry, Aquino thanked the US for strongly supporting the rule of law in moving towards the peaceful resolution of tensions in the region and the significant assistance it extended to the Philippines in the wake of Typhoon Yolanda.

Kerry said, "I'm pleased to come here today on behalf of President (Barack) Obama and the American people to rekindle the ties between us and to reaffirm America's commitment to help in this effort to rebuild and to continue to stand with the Philippines as we share values and aspirations and a lot of history so that we deal with the problems of the South China Sea, and the... challenge of meeting the aspirations of our people, the challenges of security, of growing our economies, building a new trade relationship and indeed, of living up to the hopes of the people who give us these responsibilities."

Kerry visited the country to boost ties and personally see the situation in Tacloban City. (www.philstar.com)

CANDID PERSPECTIVES *(from page 9, "LIKE...")*

They know that word.

Calling a spade a spade might have saved lives. In an archipelago of 7,200 islands, with practically a dialect per island, working toward clearer communication might have helped. And who do you blame that on? Not just Malacanang. Some local governments failed to do what was done in Balankayan, and now resi-

dents are paying the price.

Judy's last message: "People have strength," she continued. "They are rebuilding while foreigners are here to help rebuild... Have to turn off roaming for now."

It was time for prayer.

EMIL GUILLERMO is an award winning journalist and commentator.

PHILIPPINE NEWS

US Gives Additional \$25-M Typhoon Aid to Phl

by Aurea Calica
Thursday, December 19, 2013

TACLOBAN, Philippines – The United States is providing nearly \$25 million in additional humanitarian aid to help the Philippines deal with the enormous devastation and deaths wrought by Typhoon Yolanda last month, US Secretary of State John Kerry said yesterday after touring the worst-hit region.

Kerry flew to Tacloban City, where he was overwhelmed by the vast landscape of wrecked villages that he saw. He visited a food-distribution center run by USAID and government welfare officers, talked with officials and consoled survivors.

Tacloban, a city of 220,000 people, bore the brunt of Yolanda's fury last month as towering tsunami-like waves whipped up by the storm obliterated many of its coastal districts.

"This is a devastation un-



like anything that I have ever seen at this scale," Kerry said at a temporary USAID headquarters in Tacloban. "You have to see this to really believe it, and to feel it and understand it." "It is really quite stunning," he said. "It looks like a war zone and to many people it is."

The new food aid, shelter materials, water and other supplies he announced for typhoon-lashed families bring the total US assistance package to \$86 million to one of its closest Asian allies.

One of the most ferocious typhoons to hit on record,

Yolanda (Haiyan) left more than 6,000 people dead and nearly 1,800 others missing. It damaged or swept away more than 1.1 million houses and injured more than 27,000 people.

More than four million people were displaced, with about 101,000 remaining in 300 emergency shelters in typhoon-smashed central provinces.

"Entire communities leveled, water up to the second story of the airport tower, and all of this covered in water," he said, gesturing toward tents during his visit to the USAID depot near Tacloban's airport.

He said President Barack Obama had sent him to offer condolences and assure Filipinos of unwavering efforts in assisting the Philippines, which is considered a key US ally in the region.

"Last month's typhoon broke the world's heart, but what is certain is that it didn't break the spirit of the people here," he stressed.

Kerry paid tribute to the resilience, courage and determination of the survivors while waiting for international aid.

In a state dinner hosted by President Aquino Tuesday, Kerry described the Filipinos as "beautiful people-smiling, energized, and unbelievably strong as we have seen in their amazing resilience as they fight back against the extraordinary forces of Mother Nature."

"And it is clear that we found new meaning in our relationship as we saw the United States join hands with

you in order to respond to the needs of so many people," he said. Kerry offered a toast for the health and resilience of Philippine-US relations. Aquino said that with its quick response to pleas for help for Yolanda victims, the US has proven its genuine concern for an ally in trouble.

Across Tacloban many remain homeless and are living in crowded camps or in temporary shelters made from scrap wood and tarpaulin.

A faint stench of decay hangs in the air, almost six weeks after the tragedy, and authorities are still struggling to fully restore some essential services as Christmas approaches.

"We are trying to get the Christmas spirit up, but it is not easy when you've lost relatives," said Catholic priest Amadeo Alvero, who administered last rites to hundreds of dead or dying victims in the immediate aftermath of Yolanda. (www.philstar.com)

Chinese Envoy to Phl: Nothing Can Keep Us from Being Friends

by Camille Diola
Wednesday, December 18, 2013

MANILA, Philippines - Despite the row over maritime territories and occasional exchange of bitter words, China and the Philippines still enjoy a "deep historical friendship," the top Chinese diplomat in Manila said.

Outgoing Chinese Ambassador Ma Keqing believes that the tension between the Asian neighbors will not last long as both sides are keen on mending the "strained" relationship.

"United we win, [divided] we lose. So, upon leaving, I have the confidence that I would look forward to the day when our relations would [be back] the normal track and will be even better again. I hope the day will come sooner than later," Ma said in a farewell dinner on Tuesday night as quoted in a state news report.

Ma was appointed ambassador to the Philippines January 2012 and will end her tour of duty early next year.

"I learned a lot from these two years. One of the most (challenging) experiences is that how to deal with a host country with which your own country has a conflict of sovereignty. It is very complex (since) it bears the national sentiments of both countries," Ma admitted.

Ma said that her term as China's representative in Manila was immediately met with a renewed public and political interest on the overlapping claims over Spratly Islands in the West Philippine Sea--a situation she dealt with locally by winning friends and reaching out.

"Outside Metro Manila I have visited nine provinces and spoke to students in a dozen universities and also local civil society. I have also managed to make friends [in] these difficult times and I am very lucky to have all of you to support me and help me in my endeavors," she said, addressing a crowd of industry leaders. (www.philstar.com)

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PHILIPPINE LANGUAGE



ILOKO
By Amado I. Yoro

Boluntario A Pannangted Kas Wagas Ti Panagayat Iti Pada A Tao

ti rituer ti riknam. Ta no mangtedka a mapakpakuyogan iti diskutir ken panagduadua, saan a nasin-aw nga awaten ti umawat.

Iti agdama, adda latta agtultuloy a panagukkon ti tulong para kadagiti Yolanda survivors.

Uray ania a kita ti tulong, makan, kuarta, lupopot nga agpaay kadagiti nadidigraan iti sabrak ken kinadamsak dayta a bagyo Yolanda.

Iti sabali a bangir, adda dagiti mangkritikar ti ar-aramiden dagitoy voluntary group.

Ngem apay nga agdillawka no iti mismo a sika ket awan pay naaramidam.

Kuna ni Apo Padi, ibagam nga adu ti sanikuam, kuarta, lupot ken taraon, ngem mano met ngarud ita ti naitedmo kas tulong kadagiti nadidigraan.

Mano ti dayamudommo sakbay a nangisobre wenno nangitinnagka iti collection box.

Ti wagas ti pannangted ti tulong wenno ayat iti pada a tao ket nawaya nga agubbog iti kaunggan.

No sadino ken kasano iti pannakaidanonna, saan koman a dayta ti pakaringgorantayon.

Adda dagiti ima ken taktakiag a mangidanon kadagitoy. No dayta adda iti pangipagarupmo, padas man iti napal-

abas ken saan, ti nanumo a kapanutak, saanmon a basol ken pakaringgoran. No isu pay la dayta ti pampanunotem, tapno natalna ti ulom, dimongamden ti mangted.

Give what you can give and what you have.

Saankan a mangted no napilpilitka amangan no sika pay ti agsaraaw ti boksitna.

Nangegko iti Operation Tulong iti radio, kinunana: boluntario ket boluntario laeng.

No agduaduaka, saanka nga agdillaw saanka a pasalsali kadagiti mayat a mangted no awan ti talkem, kasano ngarud met a talk-

endaka ti sabali.

Iti sabali a bangir, nakarubuatn ti Ohana Mission, Ilocos Surian Mission, Titans, PMAH ken kakaduada ti mapan agboluntario a mission idia ka-Bisayaan iti daytoy a bulan ti Disiembre sakbay ti paskua. Agtarusto ti grupo idia Ilocos Sur pakaibilangan ti Santiago, Vigan ken Cabugao ken Pasuquin, Ilocos Norte.

Iti biang ti Ilocos Surian Association of Hawaii, maikalima a mision daytoy napud pay idi 2005, 2007, 2009, 2011 nga ipangpangulan da Dr. Charlie Sonido, Jun Abinsay, Dr. Elizabeth Abinsay, Danny Villaruz ken dadduma.

PHILIPPINE NEWS

Only 377 Out of Almost 11,000 Pass PNP Exam

by Dennis Carcamo
Wednesday, December 18, 2013

MANILA, Philippines - Only 377 out of 10,966 examinees passed the admission test to the Philippine National Police Academy last November 10.

The examinees took the three-hour PNPA Cadet Admission Test in 24 key cities nationwide. It consisted of

four parts-- English and Communications, Mathematics and Science, Abstract and Logical Reasoning and General Information and Current Events.

The PNPA administration, under Chief Superintendent Noel Constantino, has increased the recruitment and selection standards starting this year which includes



adopting a competency-based predetermined passing score of 60 percent and with no score below 50 percent in each of the four parts of the examinations which totaled 200 items.

To attract the best and the brightest applicants for PNPA cadetship, for the first time, high school valedictorians and salutatorians as well as college

cum laude graduates who are qualified were granted the privilege to be exempted from taking the cadet admission test.

A total of 144 honor high school graduates (valedictorians and salutatorians) and honor college graduates (cum laude) have availed of the privilege.

Passing the highly-competitive CAT examinations is only the first stage of the PNPA cadet admission system as the successful examinees together with the qualified honor student graduates will undergo a series of tests to be conducted by PNPA Cadet Admission Committee and to be ably assisted by the PNP National Headquarters.

The tests include psychological, psychiatric, physical, medical, dental, drug test and physical fitness test.

The passers will also undergo background investigations and a panel interviews.

The PNP said that if an exams passer fails any of the tests, he will not be allowed to proceed to the next stage.

The congratulatory notices will be sent to the successful CAT examinees as well as notices to the qualified honor student graduates within this

week, the PNP said.

Those who will receive the notices must report to the PNP Training Service in Camp Crame, Quezon City not later than 8 a.m. of January 13, 2014 and bring with them the said notice and other requirements as indicated in the said notice.

They may also check out the PNPA website at www.pnpa.edu.ph or for any inquiries may call the PNPA Registrar's Office mobile numbers 0917-8169415 and 0939-9393769.

Those who will hurdle all stages of admission will be appointed as PNPA cadets as a member of Batch 2014 not later than May 1, 2014.

PNPA cadets are more than full government scholars as in addition to free tuition, board and lodging and initial clothing allowance, they also receive a monthly pay and allowance amounting to P29,525.

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LEGAL NOTES

USCIS Expedites Processing of Relative Petitions



By Reuben S. Seguritan

There have been concerns regarding the slow adjudication of Form I-130 petitions filed by US citizens for their immediate relatives. Until very recently the USCIS has taken a year to process the petitions and the delay has caused long separation of families.

Another processing problem is the improper rerouting of approved petitions to the National Records Center instead of the National Visa Center in cases when the beneficiary will apply for immigrant visa abroad. The

rerouting has led to further delay and unnecessary expenses incurred by the petitioner whose relatives cannot apply for adjustment of status in the US and have to apply for an immigrant visa abroad.

These problems were addressed by the USCIS a couple of weeks ago when it assured the public that it would speed up the processing of Form I-130 petitions. It reported that it was already processing those filed in February 2013 instead of October 2012 as announced earlier.

The USCIS also announced last November 22 that it was identifying and expediting pending I-130 petitions filed by US citizens for their Filipino immediate relatives. This is among the immigration relief measures for

those impacted by Typhoon Haiyan.

Furthermore, the USCIS said that it expected the processing to improve to an average of 5 months by May 2014. To achieve this goal, it has started to transfer stand-alone Form I-130s filed by US citizens for their immediate relatives from the National Benefits Center to its Service Centers in Nebraska, Texas and California.

Once a case is transferred, the petitioner will receive a notice of the transfer and where it will be processed. The receipt number will remain the same and the adjudication will take place within 60 days from the transfer. The status of a case can be tracked through the USCIS website which has been recently updated.

If a request for evidence

(RFE) is issued, the petitioner is advised to respond fully in a timely manner to the Service Center where it originated. If the petitioner moves to a new address while the case is pending he has to notify the USCIS of the change.

The USCIS has also addressed the problem of improper rerouting which is particularly important to beneficiaries who will not seek adjustment of status in the US or who are not eligible for Section 245 benefits.

In discussions with representatives from the American Immigration Lawyers Association, the USCIS said that the response to Form I-130, Section C, Question 22 will determine where the file will be forwarded.

To ensure routing to the National Visa Center, the consular post has to be indicated

in the I-130 form and it's advisable to state that the beneficiary is ineligible under Section 245. If the form is correctly filled out and the case is improperly sent to the National Records Center, the local USCIS Field office should be contacted so that the file will be routed to the National Visa Center without filing Form I-824.

Form I-824 is an application to request further action on a previously approved application or petition and the filing fee is \$405. It may be used to request USCIS to send an approved immigrant visa petition to the US Department of State's National Visa Center.

REUBEN S. SEGURITAN has been practicing law for over 30 years. For further information, you may call him at (212) 695 5281 or log on to his website at www.seguritan.com

MAINLAND NEWS

Filipino Caregivers Recover Over \$800k in Unpaid Wages

On December 18th, International Migrants Day, workers from three San Francisco carehomes celebrate their recent settlement agreements, ending their months-long claims against their employers which totaled over \$800,000 in unpaid wages.

Filipino caregivers employed by Sunset Gardens, Nacario's Home of San Francisco, and Veal's Residential Care Homes joined other workers to raise awareness about wage theft in this industry and the rights of all workers, regardless of their immigration status.

"Over the last few years, the Filipino Community Center (FCC) has proudly supported Filipino caregivers and also hotel and restaurant workers in reclaiming over \$1 million in unpaid wages," says Mario de Mira, FCC's Workers Rights Program Coordinator. "We congratulate these Filipino caregivers for their victory in asserting their rights in an industry that takes advantage of

workers, especially immigrant workers."

Filing their claims with the Office of Labor Standards Enforcement (OLSE), the workers faced similar conditions to many other residential carehome workers. Caregivers sometimes work nearly 24-hours per day, but they are rarely paid the legally mandated minimum wage, overtime, or double time for these extended work schedules.

"The Sunset Gardens employees worked extremely long hours cooking, cleaning and caring for the residents," says Donna Levitt, manager of the City's Office of Labor Standards Enforcement. "They must be paid no less than minimum wage and overtime for their work."

Together with City Attorney Dennis Herrera, OLSE has now reached settlements and verbal agreements with seven residential care facilities over the last two years, recovering a total of over \$1.5 million in wages.

During the labor dispute,

the Tanato family, owners of the Sunset Gardens, initiated the sale of their personal and business properties and told others that they would be leaving the country. The OLSE and the City Attorney co-counseled with the Wage Justice Center, the Employment Law Center, and the Workplace Justice Initiative to pursue the workers' claims and ensure that the Tanatos did not escape justice.

"Low-income, immigrant workers often fail to see the wages to which they are entitled. But these workers fought to realize their rights. By doing

(continued on page 14)



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GLOBAL NEWS

Bieber Brings Cheer to Typhoon Survivors in Tacloban

Pop megastar Justin Bieber sang to young survivors of the Super Typhoon Yolanda (Haiyan) after he flew into the disaster zone to boost an international relief effort.

Bieber arrived unannounced in Tacloban City about a month after it was devastated by Yolanda and sang Christmas carols to children at a local school amid tight security.

“He sang ‘Holy Night’ for the children,” says Kate Donovan, a spokeswoman for the United Nations Children’s Fund (UNICEF), one of three aid agencies that will



benefit from Bieber’s charity work.

Photos posted on social media showed young fans with mobile phones snapping away at the Canadian teen heartthrob, who has more than 46 million followers on Twitter. Prior to visiting the Philippines,

Bieber posted a message on fund raising website Prizeo.com urging urged his fans to donate to the victims of the typhoon. He also said that those who donated to this cause could win a chance to personally see him record music next year.

“In the wake of Typhoon Haiyan, victims in the Philippines need our help and they need it now,” he stated in his appeal.

Many other international celebrities have loaned their voices to the massive rehabilitation effort, including Grammy-award winning singer Alicia Keys who visited victims airlifted to Manila several weeks ago. *(Good News Pilipinas)*

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Philippine Government Vows to ‘Build Back Better’

Top Philippine government officials have expressed their collective commitment to “Build Back Better,” a principle of building more resilient communities in areas devastated by Typhoon Yolanda (Haiyan).

Speaking before the mem-

bers of the diplomatic corps and representatives of international organizations, Philippine president Benigno S. Aquino III stated, “We know that we cannot allow ourselves to be trapped in a vicious cycle of destruction and reconstruction.

We know that it is more effi-

cient to prioritize resilience now, rather than to keep rebuilding. This is why we are going to build back better.”

Aquino delivered his remarks at the closing of the Briefing for the Development Partners of the Philippines on Reconstruction Assistance on

Yolanda, which was co-organized by the Department of Foreign Affairs and the Department of Finance.

The Reconstruction Assistance on Yolanda (RAY) is developing an operational framework for the rehabilitation of disaster-affected areas. RAY represents the results of the preliminary assessment of damage, loss and needs by sector and outlines the core principles, strategies and mechanisms in reconstruction and recovery. It is a phased, cumulative and flexible response to address the impact of Typhoon Yolanda.

Around 75 development partners—countries, multilateral organizations and international aid agencies—were

briefed by Philippine Foreign Affairs Secretary Albert del Rosario, Finance Secretary Cesar Purisima, Budget Secretary Florencio Abad, Social Welfare and Development Secretary Corazon Juliano-Soliman, Public Works and Highways Secretary Rogelio Singson, Socioeconomic Planning Secretary Arsenio Balisacan, and the Presidential Assistant for Rehabilitation and Recovery, Secretary Panfilo Lacson.

“With President Aquino’s leadership and your support, we hope to successfully implement RAY as a continuation of the president’s promise to the Filipino people. Please join us in this extraordinary mission to rebuild, renew and reinvigorate the Visayas,” Del Rosario said. *(DFA)*

MAINLAND NEWS *(from page 13, FILIPINO...)*

so, they showed what can be done when government and the community come together in the fight for wage justice,” says Jay Shin, an attorney with The Wage Justice Center.

The State of California’s Division of Labor Standards Enforcement & Bureau of Field Enforcement also got involved and visited the care-home. With all of this attention, the Tanatos’ relatives, owners of the Nacario’s Home of San Francisco, negotiated a settle-

ment and finally paid their workers.

“We are honored to have been able to stand alongside these brave workers who stood up for their most basic right—to be paid for their work,” says Carole Vigne, the Legal Aid Society-Employment Law Center’s attorney for the plaintiffs. “We hope this settlement will serve as an example to other workers whose rights have been violated so that they too can find justice.”

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From The Management and Staff of the Hawaii Filipino Chronicle



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